

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS AND AMENDMENTS

Claims 1-6, 11, 13-21 and 26 were pending in this application when last examined and stand rejected.

Claim 1 is amended to clarify the claimed invention.

Claim 21 is amended to reduce the claimed genus of neoplastic disease in order to expedite prosecution and without acquiescence to the Office's rejections.

No new matter has been added.

II. WRITTEN DESCRIPTION REJECTION

On pages 2-4 of the Office Action, claims 1-6, 11, 13-20 and 26 were rejected under 35 U.S.C. § 112, first paragraph, for the noted reasons.

This rejection is overcome, as applied to the amended claims, for reasons which are self-evident.

III. ENABLEMENT REJECTION

On pages 4-5 of the Office Action, claim 21 was rejected under 35 U.S.C. § 112, first paragraph, on the basis that the specification is only enabling for a method of treatment of melanoma, and not for treatment of all other types of cancers as broadly encompassed by the recitation in the instant claim.

Without acquiescence to the correctness of the Examiner's rejection, claim 21 has been amended to recite that which is considered enabled by the Examiner. Applicants further reserve their right to file a continuation or divisional application to any cancelled subject matter. Thus, this rejection is overcome for reasons which are self-evident.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

Hans Jorg TREICHLER et al.

/William R.
By: Schmidt, II/
William R. Schmidt, II
Registration No. 58,327
Attorney for Applicants

Digitally signed by /William R. Schmidt, II/
DN: cn=William R. Schmidt, II, o=WLP,
ou=email=bschmidt@wenderoth.com,
c=US
Date: 2009.02.19 14:35:33 -05'00'

WRS/lc
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
February 19, 2009